

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S Hammonds Ferry Road, 270' *
 +/- N of c/l Ridge Road * ZONING COMMISSIONER
 2216 Hammonds Ferry Road *
 13th Election District * OF BALTIMORE COUNTY
 1st Councilmanic District *
 Allan L. Crosby, et ux * Case No. 96-408-A
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 2216 Hammonds Ferry Road in Lansdowne. The Petition is filed by Allan L. Crosby and Carolyn M. Crosby, his wife, property owners. Variance relief is requested from Sections 255.1, 238.2, 302 and 1B02.3. of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 11 ft. in lieu of the required 30 ft., side yard setbacks of 9 ft. and 1 ft., in lieu of the required 10 ft.; all for an attached addition. Also, relief is requested from Section 400.1 of the BCZR, to permit a pool in the side side in lieu of the required rear yard. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Timely appearing at the public hearing held for this case was the Petitioner, Allan L. Crosby, and Paul J. Gorman, the architect who prepared the site plan. Jack Little also appeared in support of the Petition.

Mr. Crosby testified that he has owned the property for approximately 15 years. The property measures 100 ft. x 100 ft. in dimension with frontage on Hammonds Ferry Road in Lansdowne. The property carries a manufacturing zoning classification, namely, M.L.-I.M. Notwithstanding this zoning classification, the property is improved with a two story

CLERK OF COURT
 Date 5/30/96
 By M. Gorman

MICROFILMED

single family dwelling. Mr. Crosby indicated that he resides within that dwelling with his wife and daughter. The site is also improved with an existing macadam driveway which provides vehicular access. Moreover, an inground pool is located in the side yard. The area of the pool is fenced and is also improved with a patio. Mr. Crosby testified that he is an auctioneer by profession, but does not conduct business from the house.

Mr. Crosby produced a permit (#B092742) which permitted construction of the pool "in the side and rear yards" in 1991. The permit shows that the pool area is approximately 16 ft. by 32 ft. Apparently, when the permit was requested, the plan showed that the pool would be located in the side and rear yards. However, the pool is actually constructed totally in the side yard, thus, the requested zoning variance at this time.

The Petitioner's site plan also shows the proposed construction of a large addition to the subject site across the rear of the property. The rear of the site and neighboring properties in that direction are particularly unique and the Petitioner alleges that they justify the requested variance relief. Specifically, the rear of the property abuts the CSX railroad line. Mr. Crosby testified that the line is in active use for trains passing 25 to 30 times per day. On the other side of the railroad tracks is additional land zoned M.L.-I.M. and an industrial park. In order to shield the house and pool area from the railroad tracks, Mr. Crosby proposes constructing of a large addition which extends across nearly the entire rear yard. The addition is 28 ft. in depth and 90 ft. in width. A portion of the addition, adjacent to the macadam driveway, will be used as a two car garage. The balance of the addition will be used as a family room.

No Protestants appeared timely at the hearing, however, there was an adverse Zoning Plans Advisory Committee comment from the Office of Plan-

ORDER RECEIVED FOR FILING

Date

By

ning. That comment indicates that the proposed addition is extreme and that the variance requested is excessive. Moreover, the comment concludes that a grant of the variance would encroach on neighboring properties and negatively affect those sites.

Although the proposed addition is quite large, the conditions here are indeed unique. The site, although used residentially, is zoned M.L.-I.M. Moreover, the use of the neighboring properties, particularly to the rear is significant. The location of the railroad tracks severely impacts the residential use of this property as does the industrial park located on the other side of those tracks. Although the properties across Hammonds Ferry Road are zoned residentially (D.R.5.5), the subject lots on either side of the subject property are zoned M.L.-I.M. and B.L.

For these reasons, I am appreciative of the Petitioner's claim that construction of the addition as shown is necessary to buffer the existing dwelling. To a certain extent, the buffer provided by this addition will also shield neighboring uses from the industrial/commercial activities which occur to the rear of these sites. It, therefore, must be concluded that the subject property bears a unique characteristic which justifies the variance. Moreover, I find that strict adherence to the zoning requirements would impose a practical difficulty. Based upon these factors, the requested variances should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of May 1996 that a variance from Sections 255.1, 238.2, 302 and 1B02.3 of the Baltimore County Zoning Regulations (BCZR) to allow a rear yard setback of 11 ft., in lieu of the required 30

ORDER RECEIVED FOR FILING

Date

5/30/96


By

M. J. G. [Signature]

ft., side yard setbacks of 9 ft. and 1 ft., in lieu of the required 10 ft.; for an attached addition, be and is hereby GRANTED; and,

IT IS FURTHER ORDERD that a variance from Section 400.1 of the BCZR, to permit a pool in the side side, in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING

Date

5/30/96

By

M. H. Oak

IN THE MATTER OF
THE APPLICATION OF
ALLAN L. CROSBY, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE EAST SIDE
HAMMONDS FERRY ROAD, 270' +/-
NORTH OF CENTERLINE RIDGE RD
(2216 HAMMONDS FERRY ROAD)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-408-A

* * * * *

O P I N I O N

This matter was heard by the Board on January 22, 1997 and arises out of the request of the Petitioners, Allan Crosby, et ux, for variance regarding the property of 2216 Hammonds Ferry Road, in the 1st Councilmanic District of Baltimore County. Specifically, the case arises out of the granting by the Zoning Commissioner on May 30, 1996 of a Petition for Variance allowing the Petitioner a rear yard setback of 11 feet in lieu of 30 feet; side yard setbacks of 9 feet and 1 foot in lieu of 10 feet, all for an attached addition; and to permit a pool on the side yard in lieu of the required rear yard. The Petitioner was represented by Gilbert Kramer, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in these proceedings.

The first witness to testify for the Petitioner was Paul J. Gorman. Mr. Gorman, a licensed architect for 10 years, related that he had done extensive research on the project and had prepared the site plan and design for the additional building proposed by the Petitioner. He testified that the present existing building is 20 feet by 40 feet and that the proposed additional structure will be 28 feet by 90 feet by 12 feet, and would act as a buffer between the house and the CSX Railroad line to the rear of the property. He testified that, once completed, there would be line of sight view of the garage and top of the addition from Hammonds Ferry

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Road, but that there would be little or no negative impact to the area. The witness stated that, although a permit allowing the construction of a swimming pool was approved in 1991, that permit called for construction "in the side and rear yards." The construction of the proposed addition would, therefore, require that the pool be constructed in the side yard area only, thus also necessitating a variance.

The Petitioner, Allan Crosby, testified on his own behalf that he has been a resident at the property located at 2216 Hammonds Ferry Road for 16 years. He related that the property is utilized as his residence, and that no business of any type is conducted at that location. He further informed the Board that it was his desire to utilize the proposed new structure to provide additional space for an entertainment and game room, as well as to safely garage a 1972 Chevelle "show car" which is presently stored in a 20-foot car trailer. He further testified that he had no desire to harm the community in any way and, in fact, had discussed the proposed project with neighbors on each side of his property, as well as across the street. He related that all were in agreement, and that none had raised any objection to the construction of the addition as planned. The Petitioner called no further witnesses.

Protestant, Theresa Lowery, appeared on behalf of Protestants and testified that she is the Zoning Chairperson of the Lansdowne Improvement Association. She has been an area resident for 41 years and described for the Board the area surrounding the site, including its numerous small businesses and houses of worship. She related that the subject site is generally surrounded by residential property, and that her organization's objective was to

try to keep as much of a purely "residential" appearance as possible in the area. She stated that, although she understands that the neighbors are in agreement with the project, her organization is concerned that to allow continued changes to the zoning requirements in the area will ultimately act as a precedent for further variance requests and changes. She fears that there is a tendency to "over use" property in the area. She believes that to allow the requested variance to construct the proposed addition could provide a basis for the use of the building for a commercial purpose by the present or a subsequent owner. Finally, she explained the drainage and water problems in the area. Her organization is concerned that the subject addition as planned could increase the propensity for water-related difficulties to neighboring property owners.

Rosemary Miller, secretary of the Lansdowne Community Association, testified that she is a 60-year resident of the area. She echoed the concerns of Mrs. Lowery as to the size of the addition, its location, and its possible negative effects on the community.

The statutory and applicable case law regarding the granting of zoning variances is well-settled. Under Section 307.1 of the Baltimore County Zoning Regulations (BCZR), the power to grant variances from area regulations arises "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." Further, case law clearly holds that a variance may only be granted

after a two-step inquiry. First, the Zoning Authority must determine whether the subject property is unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to have a disproportionate impact on the property. If such a finding is made, the Zoning Authority must then determine whether an unreasonable hardship results from the disproportionate impact of the ordinance. Cromwell v. Ward, 102 Md.App. 691, 721 (1995). The "uniqueness" requirement has a rather specialized meaning. The Court of Special Appeals established in the case of North v. St. Marys County, 99 Md.App. 502 (1994) that:

"...[T]he 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions." Id at 514.

The Board unanimously finds that the facts of this case fall clearly under the requirements set forth in Section 307.1 of the BCZR and Cromwell. Since this matter is heard de novo, the burden rests with the Petitioner to prove his case and to establish his claim for a variance. A review of the exhibits and testimony provided by and on behalf of the Petitioner fails completely to establish that the subject property is unique in any way and that strict compliance with the regulation places a burden on him which presents practical difficulty or unreasonable hardship. In point of fact, since the Petitioner was unable to establish the first requirement under the law, that the property be "unique" in

relation to other properties in the area, we find it unnecessary to even address or consider the questions of practical difficulty or unreasonable hardship. We are cognizant of the Petitioner's desire to improve his property and to safeguard his rather expensive motor vehicle. However, those objectives are not sufficient to warrant the granting of a variance. This Board, therefore, unanimously denies the variance requested, and will so order.

O R D E R

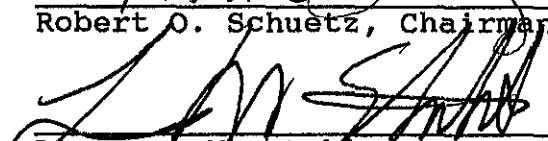
THEREFORE, IT IS THIS 19th day of March, 1997
by the County Board of Appeals of Baltimore County

ORDERED that the request for variance to allow a rear yard setback of 11 feet in lieu of 30 feet; side yard setbacks of 9 feet and 1 foot in lieu of 10 feet, all for an attached addition; and to permit a pool on the side yard in lieu of the required rear yard be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Lawrence M. Stahl


S. Diane Levero

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 19, 1997

Mrs. Theresa Lowery
2517 Hammonds Ferry Road
Baltimore, MD 21227

RE: Case No. 96-408-A
Allan L. Crosby, et ux

Dear Mr. Crosby:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Mr. and Mrs. Allan Crosby
Mr. and Mrs. Jacob Miller
Mr. Paul Gorman
Mr. Jack Little
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 30, 1996

Mr. and Mrs. Allan L. Crosby
2216 Hammonds Ferry Road
Lansdowne, Maryland 21227

RE: Case No. 96-408-A
Petition for Zoning Variance
Location: 2216 Hammonds Ferry Road

Dear Mr. and Mrs. Crosby:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Paul Gorman
4410 John Avenue, 21227

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C-100000

RE: PETITION FOR VARIANCE	*	BEFORE THE
2216 Hammonds Ferry Road, E/S Hammonds	*	ZONING COMMISSIONER
Ferry Road, 270'+/- N of c/l Ridge Rd	*	OF BALTIMORE COUNTY
13th Election District, 1st Councilmanic	*	CASE NO. 96-408-A
Allan and Carolyn Crosby	*	
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Paul Gorman, 4410 John Avenue, Baltimore, MD 21227, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-408-A

2216 HAMMONDS FERRY RD

which is presently zoned

ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

255.1; 238.2, 302 and 1802.3.C1, to PERMIT A REAR YARD SETBACK OF 11' IN LIEU OF THE REQUIRED 30', AND SIDEYARD SETBACKS OF 9' and 1' IN LIEU OF THE REQUIRED 10' AND FROM SECTION 400.1 TO PERMIT POOL IN THE SIDE YARD IN LIEU OF REQUIRED REAR of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

addition will provide necessary buffer from frequent train traffic in rear. also will serve as garage to replace previous freestanding garage, and new family room.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

4-17-96

404 MICROFILMED



Printed with Soybean Ink
on Recycled Paper



April 16, 1996

96-408-A

Crosby Residence
2216 Hammonds Ferry Road
Lansdowne, Maryland 21227

Site Description

Site is known as 2216 Hammonds Ferry Road, Lansdowne, located in Election District 13, in an ML-IM Zoning District.

C.D. 1ST

Property is described in deed reference Liber 6142, Folio 463.

Front property line begins 150' N. of Ridge Ave. on the West side of Hammonds Ferry Road and runs 100 LF. Northerly to the north property line at right angles runs 100 LF. Westerly to West property line at right angles runs Southerly 100 LF to the South property line at right angles which runs 100 LF to the point of beginning.

100' X 100' square property is 10,000 s.f. = .23 AC

404

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-440 F

District 13th

Posted for: Variance

Date of Posting 6/3/96

Petitioner: Allan & Carolyn Crosby

Location of property: 7416 Homewood Ford Rd, E15

Location of Sign: Facing roadway on property being zoned

Remarks: _____

Posted by _____

Signature

Date of return: 5/10/96

Number of Signs: 1

MICROFILMED

NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland, 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #38-408-A

From 683
2266 Baltimore East Road
ES, Baltimore, Maryland
2707 W. North Street
13th Election District

1st Councilmanic

Legal Owner(s):
Alan L. Crosby and Carolyn M. Crosby

Verdict: to permit a rear yard setback of 11 feet in lieu of the required 30 feet; and side yard setbacks of 5 feet and 1 foot in lieu of the required 10 feet; and to permit pool in the side yard in lieu of the required rear yard.
Hearing: Wednesday, May 29, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations.
Please Call 887-3333.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

5027 May 2 048005

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/2

THIS IS TO CERTIFY, that the annexed advertisement published in THE JEFFERSONIAN, a weekly newspaper in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on 5/1

THE JEFFERSONIAN
A. H. Erickson
LEGAL AD. - TOWSON

Kodak *ds*
digital science™

DEMO

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

404

No

097056

(R) DATE 4-17-76 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: ALLAN CROSBY 2216 FIDELITY RD.
Admin. Var. (010) 50.00
FOR: RESIDENT (050) 35.00

MICROFILMED

010000038MICRRC
BA 00004470 04-17-76

85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

96-408-51 m
NO 107606
408

DATE 4-19-96 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: MR. Raines Dwyer
#010 - Residential Variance (Admin) Filing fee -- 50.00
#080 -- Sign & Posting -- 35.00
FOR:

MICROFILMED

TOTAL 85.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

012000

DATE 6/26/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Landsdowne Improvement Assoc.
Sign 35.00
FOR: Variance Appeal 175.00
210.00

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020010015711211111
BA 00004470 06-26-96

210.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-408-A

District 13th

Date of Posting 7/6/96

Posted for: Appeal

Petitioner: Allen L. Gross & Assoc.

Location of property: Elis Homesteads Ferry Rd # 2216

Location of Sign: Along road way on property being appealed

Remarks: _____

Posted by: [Signature]

Signature

Date of return: 7/12/96

Number of Signs: 1

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 404 Petitioner: ALLAN CROSBY
Location: 2216 HAMMONDS FERRY RD. BALTO., MD. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: _____
ADDRESS: SAME

PHONE NUMBER: 242-8219

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
May 2, 1996 Issue - Jeffersonian

Please forward billing to:

Allan Crosby
2216 Hammonds Ferry Road
Baltimore, MD 21227
242-8219

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-408-A (Item 404)
2216 Hammonds Ferry Road
E/S Hammonds Ferry Road, 270' +/- N of c/l Ridge Road
13th Election District - 1st Councilmanic
Legal Owner(s): Allan L. Crosby and Carolyn M. Crosby

Variance to permit a rear yard setback of 11 feet in lieu of the required 30 feet; and side yard setbacks of 9 feet and 1 foot in lieu of the required 10 feet; and to permit pool in the side yard in lieu of the required rear yard.

HEARING: WEDNESDAY, MAY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-408-A (Item 404)
2216 Hammonds Ferry Road
E/S Hammonds Ferry Road, 270'+/- N of c/l Ridge Road
13th Election District - 1st Councilmanic
Legal Owner(s): Allan L. Crosby and Carolyn M. Crosby

Variance to permit a rear yard setback of 11 feet in lieu of the required 30 feet; and side yard setbacks of 9 feet and 1 foot in lieu of the required 10 feet; and to permit pool in the side yard in lieu of the required rear yard.

HEARING: WEDNESDAY, MAY 29, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Allan and Carolyn Crosby
Paul Gorman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 30, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-408-A

ALLAN L. CROSBY, ET UX -Petitioners
E/s Hammonds Ferry Road, 270' +/- N of c/l
Ridge Road (2216 Hammonds Ferry Road)
13th Election District
1st Councilmanic District

VAR -To allow rear yard setback of 11' in lieu of 30'; side yard setbacks of 9' and 1' in lieu of 10', all for attached addition; and to permit pool in side yard in lieu of required rear yard.

5/30/96 -Z.C.'s Order in which Petition for Variance is GRANTED.

which was scheduled for hearing on September 26, 1996 was POSTPONED on the record, without objection by People's Counsel, to allow sufficient time for Petitioner to consult with an attorney; and has been

REASSIGNED FOR: WEDNESDAY, JANUARY 22, 1997 at 10:00 a.m.

cc: Mrs. Theresa Lowery Appellant /Protestant

Mr. and Mrs. Allan Crosby Petitioners

Mr. and Mrs. Jacob Miller
Mr. Paul Gorman
Mr. Jack Little

People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

Kathleen C. Bianco
Legal Administrator



CASE NO. 96-408-A

Allan L. Crosby, et ux - Petitioners

E/S Hammonds Ferry Road, 279' W of
c/1 Ridge Road (2216 Hammonds Ferry Road)

13th Election District

Appealed: 6/26/96

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

Mr. and Mrs. Crosby
2216 Hammonds Ferry Road
Lansdowne, MD 21227

RE: Item No.: 404
Case No.: 96-408-A
Petitioner: Allan Crosby, et al

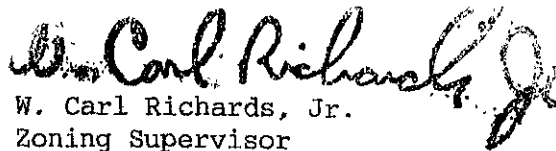
Dear Mr. and Mrs. Crosby:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: May 9, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 2216 Hammonds Ferry Road

INFORMATION:

Item Number: 404

Petitioner: Crosby Property

Property Size: _____

Zoning: ML-IM

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based on the information provided and a site visit, the Planning Office recommends denial of the applicant's request for the reasons as follows:

1. The Variance request is excessive and would result in extreme overbuilding of the site.
2. If granted, the proposed building would encroach on neighboring properties with probable negative effect on these properties.
3. There is no inherent characteristic of the site that warrants such an extreme variance from standard setbacks.

Prepared by: Jeffrey W. Long

Division Chief: Caryl Kerns

PK/JL

ITEM404A/PZONE/ZAC1

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/30/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 29, 1996.

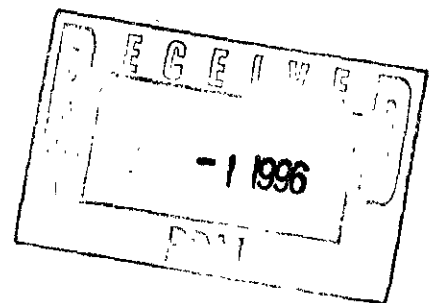
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 400, 401, 402, 403, 404, 405,
406, 407, 408 and 409.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 6, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 6, 1996
Item No. 404

The Development Plans Review Division has reviewed the subject zoning item. Check with "CSX" for track right-of-way width and any comments they may have.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoﬀ
Administrator

4-30-86

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 404 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 4-29-96

DATE: 5-1-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 401, 402, 404, 407, 408

RBS:sp

BRUCE2/DEPRM/TXTSBP

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 2, 1996

Mr. and Mrs. Allan Crosby
2216 Hammonds Ferry Road
Baltimore, MD 21227

RE: Petition for Variance
E/S Hammonds Ferry Road,
270' +/- N of c/l Ridge Rd.
(2216 Hammonds Ferry Road)
13th Election District
1st Councilmanic District
Allan L. Crosby, et ux -
Petitioners
Case No. 96-408-A

Dear Mr. and Mrs. Crosby:

Please be advised that an appeal of the above-referenced case was filed in this office on June 26, 1996 by Ms. Theresa Lowry. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "J" and "A".

ARNOLD JABLON *Rye*
Director

AJ:rye

cc: Mr. and Mrs. Jacob Miller
People's Counsel

96 JUL -2 11 327

MICROFILMED



APPEAL

Petition for Variance
E/S Hammonds Ferry Road, 270' +/- N of c/1 Ridge Road
(2216 Hammonds Ferry Road)
13th Election District - 1st Councilmanic District
Case No. 96-408-A
Allan L. Crosby, et ux - Petitioner(s)

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Site Plan to Accompany Variance
2A-2C - Three Photographs

Inter-office Correspondence to Hearing Officer from Joseph C. Merrey
dated April 17, 1996

Letter to Mr. and Mrs. Jacob B. Miller and Mrs. Theresa Lowery dated
May 30, 1996

Zoning Commissioner's Order dated May 30, 1996 (Granted)

Notice of Appeal received on June 26, 1996 from Ms. Theresa Lowry

cc: Mr. and Mrs. Allan Crosby, 2216 Hammonds Ferry Road, 21227
Mr. and Mrs. Jacob Miller, 135 Hazel Avenue, 21227
Mr. Paul Gorman, 4410 John Avenue, 21227
Mr. Jack Little, 2305 Cloville Avenue, 21214
Mrs. Theresa Lowery, 2517 Hammonds Ferry Road, 21227
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

7/10/96 -Letter dtd 7/09/96 to A. Jablon from Paul Gorman, Architect, requesting consideration of earlier hearing date /process begun in February 1996; materials purchased; construction to begin prior to winter for addition.

7/29/96 -Notice of Assignment for hearing scheduled for Thursday, September 26, 1996 at 10:00 a.m. sent to following:

Mrs. Theresa Lowery
Mr. and Mrs. Allan Crosby
Mr. and Mrs. Jacob Miller
Mr. Paul Gorman
Mr. Jack Little
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

9/26/96 -Matter opened on the record; upon conclusion of brief opening statements, the matter was postponed on the record; Petitioner to consult with legal counsel; People's Counsel did not object to this postponement. To be rescheduled to a later date; advised Protestants that this date would be after the first of the year. Notice to be sent.

9/30/96 -Notice of PP and Reassignment sent to parties; matter rescheduled to Wednesday, January 22, 1997 at 10:00 a.m.

1/22/97 -Hearing completed. Publicly deliberated after conclusion of hearing on merits same day. Petition for Variance DENIED by unanimous decision of the Board. Written Opinion and Order to be issued; appellate period to run from date of written Order. (R.L.M.)

9/26/96 -Letter from Paul J. Gorman, AIA - explanation of circumstances which led to postponement of this matter on 9/26/96 (letter received 9/30/96).

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 2, 1996

Kodak *ds*
digital science™

DEMO

Mr. Jake Miller, President
Lansdowne Improvement Association
135 Hazel Avenue
Lansdowne, Maryland 21227

RE: Property: 2216 Hammonds Ferry Road
Case No. 96-408-A

Dear Mr. Miller:

This is to acknowledge receipt of your letter dated June 18, 1996. Under the circumstances, I will request a second public hearing to enable you the opportunity to appear and present testimony and evidence.

By a copy of this letter, I am advising the Petitioners, Mr. and Mrs. Allan L. Crosby, that this matter will be rescheduled. I will not require readvertising or reposting of the property. You will receive notice from Gwen Stephens, my Docket Clerk, at 887-3391, about the new hearing date in the very near future.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Mr. and Mrs. Allan L. Crosby

c: Gwen Stephens, Docket Clerk, Office of Permits & Dev. Mge. ✓

MICROFILMED



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 3, 1996

(410) 887-4386

Mr. Jake Miller, President
Lansdowne Improvement Association
135 Hazel Avenue
Lansdowne, Maryland 21227

RE: Property: 2216 Hammonds Ferry Road
Case No. 96-408-A
Petitioners: Mr. and Mrs. Allan L. Crosby

Dear Mr. Miller:

This is to acknowledge receipt of your letter dated June 18, 1996.

Please be advised that the above captioned matter has been appealed to the Baltimore County Board of Appeals in a timely manner by Mrs. Theresa Lowry of the Lansdowne Improvement Association.

You will receive notice from the Board of Appeals when the matter is scheduled for hearing with them.

Very truly yours,

A handwritten signature in cursive script that reads "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Mr. and Mrs. Allan L. Crosby
c: Mrs. Theresa Lowry, Lansdowne Improv. Assoc. 2517 Hammonds Ferry Rd.
c: Gwen Stephens, Docket Clerk, Office of Permits & Dev. Mge. ✓

MICROFILMED

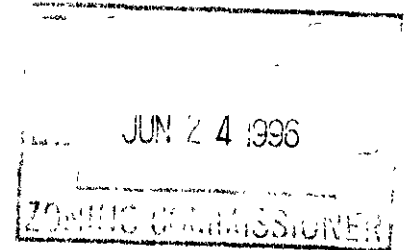




The Lansdowne Improvement Association

June 18, 1996

Mr. Lawrence E. Schmidt, Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204



RE: property at 2216 Hammonds Ferry Road,
Case Number: 96-408-A

Dear Mr. Schmidt:

I spoke to you on May 29 at a hearing on the above property. As I had stated, I thought, though incorrectly, that the hearing for this property was to begin at 10:00 am. Unfortunately, I was unable to present the position of the Lansdowne Improvement Association, of which I am president. Our association had taken a position to oppose this project.

The association and I are writing to ask you to reconsider your decision and allow for a future hearing.

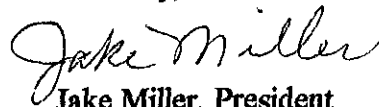
In the event that you would deny this request, I would ask that you extend the time to appeal the earlier decision so that adequate notice could be given to our association and an appeal be made.

I do hope, on behalf of our Community Association, that you will grant the reconsideration of this matter.

MICROFILMED

I thank you for your courtesies and cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Jake Miller".

Jake Miller, President

Lansdowne Improvement Association

c.c. Councilman Sam Moxley

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: April 17, 1996

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I, Zoning Review

SUBJECT: Item #404
2216 Hammonds Ferry Road

Applicant was advised that residential additions in the M.L. zone must comply with Zoning Commissioner's Policy Manual Section 302.1.c & d, page 3-2 (copy attached).

JCM:scj

MICROFILMED

SECTION

302.1 RESIDENCES IN INDUSTRIAL ZONES

- a. No subdivision of industrial land is allowed for residential purposes.
- b. New residences are not allowed on existing lots in industrial zones unless it can be demonstrated that:
 1. that the surrounding properties are predominately residential and,
 2. that there is little apparent potential for industrial development.
- c. Residential additions and accessory buildings to existing residences in industrial zones are permitted provided that the County records and/or inspection indicates an existing dwelling use.
- d. When considering a request for a new residence or a residential addition or accessory building in an industrial zone, the Zoning Commissioner may require certain information/documentation including but not necessarily limited to the following:
 1. outside inspection/photographs;
 2. assessment records;
 3. tax maps/aerial photographs;
 4. plats (showing surrounding property improvements);
 5. subdivision plats.

303 AVERAGING FRONT YARD DEPTHS - The methodology for calculating front yard depth requirements for several residential and commercial zones. The following guidelines have been formulated so that this matter can be handled consistently.

- a. Regardless of the zoning classification, and regardless of whether it is in or out of transition, front setbacks will not be averaged on approved development plans with envelopes or typical setbacks shown.
- b. Orientation of a Dwelling Within an Envelope
 1. In Transition
 - (i) from subdivisions approved prior to, or using the transition area standards chart (see 1B01.2.C.4 ZCPM, Page 1B-16); the dwelling must meet the front, side, and rear setbacks as indicated in the chart;
 - (ii) from subdivisions approved after the deletion of the transition area standards chart (9/25/81); the dwelling can be oriented in any direction, within the envelope, provided that the CMDP standards are met.
 2. Out of Transition

The dwelling can be oriented in any direction, within the envelope, (as in 1(ii)) provided that the CMDP standards are met.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



May 30, 1996

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Mr. and Mrs. Jacob B. Miller
135 Hazel Avenue
Baltimore, Maryland 21227

Mrs. Theresa Lowry
2517 Hamonds Ferry Road
Baltimore, Maryland 21227

RE: Case No. 96-408-A
Petition for Zoning Variance
Allan L. Crosby and Carolyn M. Crosby, his wife, Petitioners
Location: 2216 Hammonds Ferry Road

Dear Mr. and Mrs. Miller and Mrs. Lowry:

This is to follow up on the public hearing conducted for the Petition for Variance for the above property. That hearing was held on Wednesday, May 29, 1996 at 9:00 A.M.

As I have advised you, Mr. Crosby appeared at that hearing and presented testimony and evidence in support of his Petition. He was accompanied at that time by Paul Gorman, an architect who prepared the site plan, and Jack Little. During the time the hearing was conducted, there were no Protestants or other interested persons present.

After the hearing was concluded and Mr. Crosby and his witnesses left the hearing room, the three of you appeared at the hearing room. You indicated that the sign advertising the hearing stated that the hearing would commence at 10:00 A.M. I advised you that in such a case I would reschedule the matter for a second public hearing.

I have investigated this matter further and determined that the sign was not erroneously labeled. Enclosed is a copy of the photograph which I have taken of the sign. The sign clearly indicates that the hearing was to begin at 9:00 A.M. Moreover, an examination of the advertisement which appeared in the Jeffersonian newspaper shows that the hearing was to commence at 9:00 A.M. I do not know what sign you were looking at, however, it is clear to me that the public notice given, both on the sign and in the newspaper, indicates that the hearing was to begin at 9:00 A.M. In that the Petitioner was present and ready to proceed shortly thereafter, the hearing must and did commence at that time. Moreover, I am required to adjudge each case based solely on the testimony and evidence offered during the hearing. To consider additional evidence presented outside the presence of one side or the other, is patently unfair. Thus, based on the testimony and evidence received at the hearing, the Petition for Variance has been granted, in accordance with the attached Order.

MICROFILMED



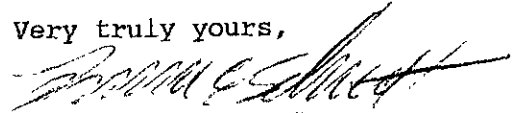
Mr. and Mrs. Jacob B. Miller
135 Hazel Avenue
Baltimore, Maryland 21227

Mrs. Theresa Lowry
2517 Hamonds Ferry Road
Baltimore, Marland 21227

page 2.....

At this time, your choices are two in number. You can request that I reconsider my decision and convene another public hearing held for this case. In the alternative, you can file an appeal of my decision to the County Board of Appeals. Please keep in mind that whatever alternative you pursue, it must be filed, in writing, within 30 days from the date of the attached Order.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

MICROFILMED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Allan L. Crosby, et ux -Petitioners
Case No. 96-408-A

DATE : January 22, 1997 /at conclusion of hearing

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Lawrence M. Stahl (LMS)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation included Gilbert Kramer, Esquire /Counsel for Petitioner; Allan Crosby, Petitioner; and Theresa Lowery, Appellant /Protestant. Peter Max Zimmerman, People's Counsel for Baltimore County, also participated in these proceedings.

ROS: Good afternoon, Ladies and Gentlemen. Welcome back.

As I indicated at the close of the evidentiary proceeding of Case No. 96-408-A, the purpose of this afternoon's proceeding is to deliberate the matter on the merits and to signify compliance with the open meetings law, which is the purpose of the minutes. I would caution everybody that the minutes do not augment the record. The record was created this morning with the court reporter. The minutes signify compliance with the open meetings law.

I will go first. This case involves a variance of Baltimore County Zoning Regulations section 307.1, which is a matter which is heard de novo. The burden rests with the Petitioner to prove his case that the property is unique and that strict compliance with the regulations places a burden on him which presents practical difficulty or unreasonable hardship.

The burden, as I said, rests with the Petitioner in this case. There was no evidence or testimony concerning the applicability of 307.1 as to the uniqueness nor practical difficulty. It's a situation where the Petitioner wants to build a 90' by 28' addition. I don't consider that practical difficulty or unreasonable hardship.

We also have a desire to garage his \$52,000 car. I certainly understand that. I'm a fancier of fine automobiles, but you also have the opportunity to more than likely build a two-car garage as a matter of right without the addition. And so, if one is able to construct a garage, you can certainly do that without having to come before a Board like this.

MICROFILMED

I agree that you have gone through some hoops. I agree you have had difficulties with the permit for the pool. Looking at the evidence, questions regarding the first pool, and that the second pool, which indicates that it was in the side yard and rear yard -- I can see nothing in the rear yard. That's not to say that it was not at one time, but I question this.

Having said that, and for failure of providing evidence and testimony, the Petitioner has met his burden, and I would deny the variance.

LMS: Cromwell v. Ward is the seminal case in variances. It sets out not only the requirement under the law. It sets out the order in which those provisions should be met. It states that a specific uniqueness in the property as distinct from other properties in the area be established, and Cromwell and cases subsequent to it set forth how you establish that and what, in some situations, constitutes unique.

When uniqueness is overcome, then does Cromwell indicate that you get to the second part of it -- strict compliance. You must establish practical difficulty and unreasonable hardship in following the zoning because it is a unique parcel. It's not a matter of what you want to do. It's not a matter of what you would like to do. It's not even a matter of what will or won't make sense. A variance is not what would be good for the homeowner as much as it is a standard by which we uniformly allow or do not allow changes from zoning requirements that exist. It's done in a way, the strict way of Cromwell, in order that there is due process to all equally.

There is a question arising out of Cromwell as to self-infliction, as to receiving a permit, as not being proof of the right to get a variance and also in terms of mistake. Someone does something and it's there, and not their fault, but the law clearly states that's not the issue. The issue is one set of requirements for all to follow for a variance. This is de novo, as Rob indicated. That means from the beginning, from scratch. That means the burden is on those asking for the variance and in the proper order that Cromwell requires. That has not been done.

I frankly did not have to get to the issue of drainage and communities, and with all due respect to those who testified -- did not have to get that far. The case, in my mind, essentially was completed upon the completion of the Petitioner's case. And by the failure of Petitioner to meet or address the requirements of Cromwell.

We don't always like the decisions we make. We are not always happy with the effects of the decisions we make as they affect people. They sometimes set in process forces by other government agencies over which we have no control. But the responsibility of the Board is to apply the law as the Circuit Court and appellate courts instruct us to do. To not do so would result in further delay.

This case is clear, and I find no alternative other than to join the Chairman in denying the variance.

SDL: On difficult cases, it's helpful to refer to Cromwell v. Ward. But in this case, you only need to look at 307.1 of the zoning regulations. The requirements for a variance are that the property must be unique and the Petitioner must show hardship.

Petitioner failed completely to address these requirements. There was some hint of unique -- because it was adjacent to the railroad tracks. But this was not articulated in any manner. Is it unique to other properties in the area or not? We cannot manufacture this information. It was not given to us.

As far as hardship -- it was not addressed at all. Therefore, even if the Petitioner did meet the uniqueness requirement, he would still need hardship, and that was not done.

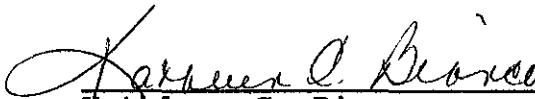
Petitioner did not meet his burden of proof, and I have absolutely no choice but to deny his request.

ROS: This concludes the matter for today. We will issue a written Opinion and Order. Any Petition for Judicial Review would come from the date of that Order, and not today's date.

Thank you very kindly.


* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 18, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: Case No. 96-408-A
ALLAN L. CROSBY, ET UX
13th E; 1st C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-408-A)

MICROFILMED



Baltimore County, Maryland

Date 7/2/96

To: Huynh

From: Larry R. Chubb

- | | |
|--|---|
| <input type="checkbox"/> Please Note & File | <input type="checkbox"/> To be Signed |
| <input type="checkbox"/> For Your Information | <input type="checkbox"/> Please Comment |
| <input type="checkbox"/> Please Note & Return | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Please Handle | <input type="checkbox"/> Investigate & Report |
| <input type="checkbox"/> Please answer, Sending me Copy of your letter | |
| <input type="checkbox"/> Please Prepare reply for my Signature | |

Remarks:

*Please set case in
again on one of my
days - ASAP
Thanks*

CPS-004 MICROFILMED
Recycled Paper

*new responsive
sent due to
appeal.*

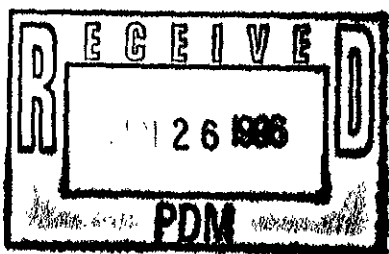
Re: No 96-408-A
2216 Hammonds Ferry
Rd. 21227
VARIANCE
Decision

Lansdowne Improvement Association, Inc.

Respectfully, requests an appeal for
the decision on case # 96-408-A - owner
Allan L. Crosby and wife - Thank you.

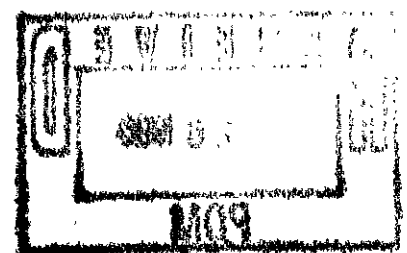
We sincerely believe a safety problem
would prevail to the community. If this
decision stands

Respectfully,
Theresa Lowry
Chairperson Zoning
Committee
2517 Hammonds Ferry
Road
Lansdowne 21227,
Md



MICROFILMED

L.I.A. President JAKE Miller 242-4197



PAUL J. GORMAN, ARCHITECT
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

September 26, 1996

Mr. Robert Schuetz
Baltimore County, MD
Board of Appeals
Old Courthouse, Rm 49
400 Washington Avenue
Towson, MD 21204

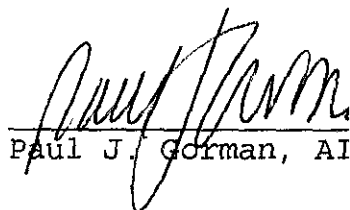
Re: Crosby Property
2216 Hammonds Ferry Road
Lansdowne
Case No. 96-408-A

Mr. Schuetz,

I apologize for not having prepared with an attorney and any inconvenience it may have caused this morning.

We assumed that the appeal would have been a straight forward presentation similar to our original favorable hearing, and that our attorney would not be necessary.

Further, I was surprised to encounter opposition from a woman who last year opposed another project I had worked on in Halethorpe almost 1 1/2 miles away!


Paul J. Gorman, AI

Kodak *ds*
digital science™

DEMO

96-3794

PAUL J. GORMAN, ARCHITECT
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

7/11/96
AD
SO AS

July 9, 1996

Mr. Arnold Jablon
Development Processing
Baltimore County Government
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Crosby Property
2216 Hammonds Ferry Road
Case No. 96-408-A

Mr. Jablon:


I have worked with Mr. Allan Crosby since February to develop plans for a rear yard family room addition. He had intended to use it this summer with the swimming pool.

We applied for a variance from side and rear yard setbacks since the property is in an industrial zone and abuts railroad tracks. The variance request was approved on May 29.

On the last day of the 30 day appeal period, it was appealed by someone who is not an immediate neighbor. Today we were told that the zoning appeal hearing would be in October or November.

Mr. Crosby has asked me to request that the appeal hearing be expedited since he has purchased many of the materials and furnishings for the addition, and does not want to start construction in winter weather.

Thank you for this consideration.


Paul J. Gorman, AIA

1996

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

PAUL GORMAN

4410 JOHN AVE 21227

ALLAN CHOSBY

8216 HAMMONDS FERRY RD

Jack Little

2305 Corville Ave 21214



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

242-4197 { Jacob B. Miller
Rosemary Miller
Theresa Lowry

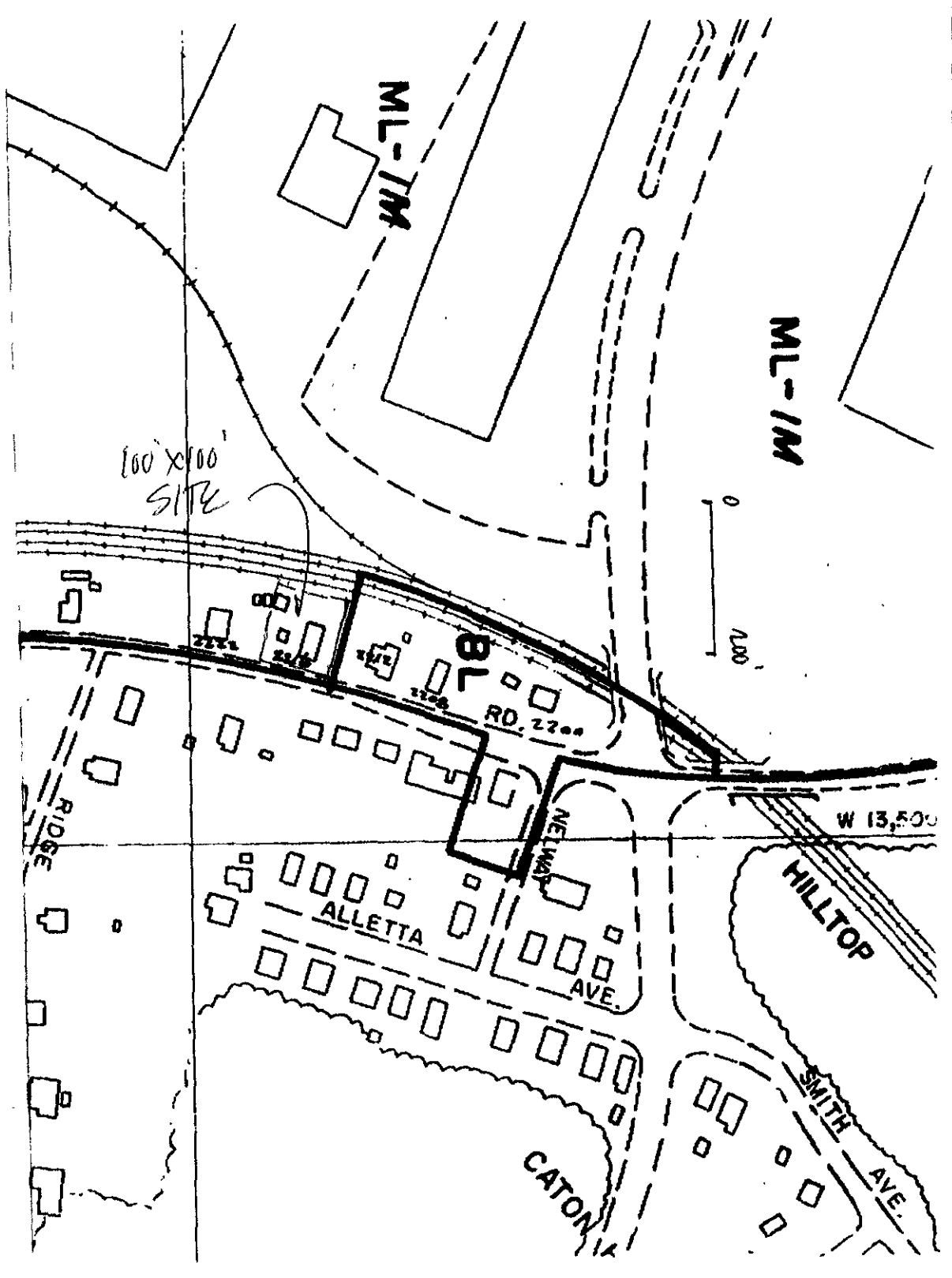
135 Hazel Ave. 21227
135 Hazel Ave 21227
8517 Hammond Ferry Rd 21227

247-2325

MICROFILMED

96-408-A

SW-5C



404

MICROFILMED

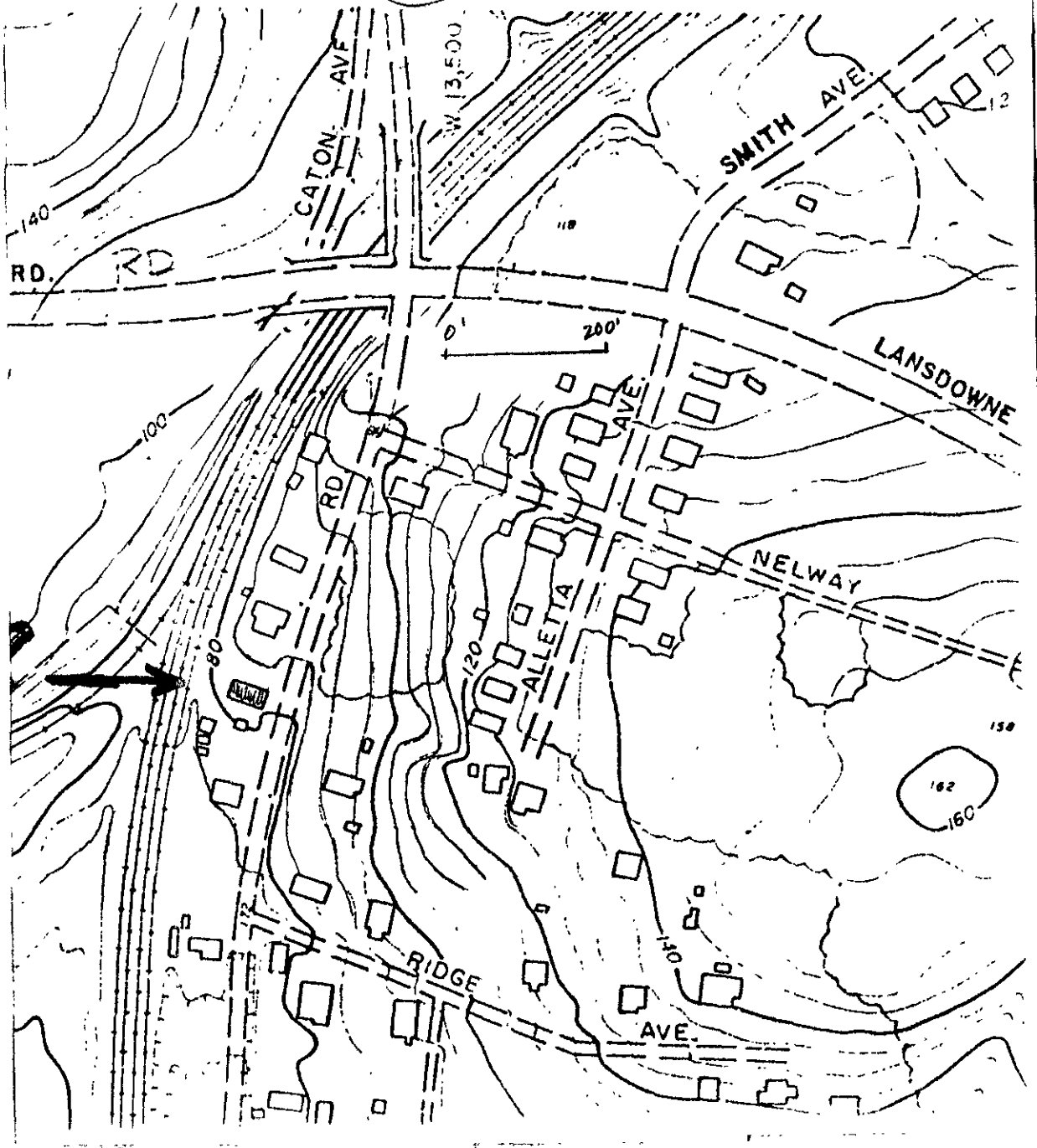
~~Pet.~~ Pet. # 3

75-1571-107
66-416-2

Catherine M. Grace 2222 Hammonds Ferry Rd.
Evelyn Price 2219 Hammonds Ferry Rd
J. Klein Grace 2207 Hammonds Ferry Rd.
Charles Fugate 2213 HAMMONDS FERRY RD

MICROFILMED

↑ N
1" = 200'
10 X = 1" = 20'
5 X = 1" = 40'





BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITTING AND LICENSING

COMMISSION, 1000 E. BALTIMORE AVENUE, BALTIMORE, MD 21202

[Signature]
BALTIMORE COUNTY, MARYLAND

PERMIT # B022722 - 1 MONTH
DATE ISSUED: 05/25/92

PLANS: CONST. FLOOR PLAN
LOCATION: 2216 HAMMOND
SUBDIVISION: LT. N08

OWNERS INFORMATION
NAME: CROSBY, ALLAN A. CARDIN
ADDR: 2216 HAMMOND FERRY RD.

TENANT:
CONTR: POOL WORLD
ENGR:
SELLR:
WORK: REMOVE EXISTING POOL

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

Kodak *ds*
digital science™

DEMO

BLDG.
RESIDE

ESTIMA
12,000

TYPE 0

USE: SWIMMING POOL

FOUNDATION:

SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 100' x 100' x 100' x 100'

FRONT STREET

SIDE STREET

FRONT SETB: 20'

SIDE SETB: 10' & 20'

SIDE STR SETB:

REAR SETB:

This Deed, MADE THIS 4th day of March

in the year one thousand nine hundred and eighty by and between
CHARLES E. MERSON

of Baltimore County, State of Maryland of the first part, and
ALLAN L. CROSBY and CAROLYN M. CROSBY, his wife

of the second part.

WITNESSETH, That in consideration of the sum of FOUR THOUSAND FIVE HUNDRED AND 00/100ths DOLLARS (\$4,500.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said party of the first part

MB-6-60 2 2005D ****51.75
MB-6-60 2 2005D3 ****20.25
MB-6-60 2 2004D ****22.50
MB-6-60 2 2003D ****9.00

does grant and convey to the said parties of the second part as tenants by the entireties, their assigns, the survivor of them, his, her or their

personal representatives/~~successors~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

BEGINNING for the same on the northwest side of the Hammonds Ferry Road at the distance of 95 feet northeasterly from the end of the South 20 degrees West 26 perches line described in a Deed from Adam Benner and others to Joseph Dunkerly and Laura V. Dunkerly, his wife, dated September 25, 1894, and recorded among the Land Records of Baltimore County in LMB Liber 207, page 354, and running thence northeasterly on said Road and also on a part of said 26 perches line 100 feet; thence northwesterly at right angles or nearly so with said Road and along the line of a hedge there planted 100 feet more or less to the Railroad there situate; thence southwesterly along the line of said Railroad about 100 feet to intersect a line drawn northwesterly from the place of beginning and parallel with the second line of this description, and thence reversing the line so drawn and binding thereon 100 feet more or less to the place of beginning. It being the intention of this Deed that said lot shall have a front of 100 feet on the Hammonds Ferry Road with a width of 100 feet to the Railroad as the same is now in possession of the Grantor herein. The improvements thereon being known as No. 2216 Hammonds Ferry Road, Lansdowne.

BEING the same lot of ground described in a Deed dated January 3, 1951, and recorded among the Land Records of Baltimore County in GLB Liber 1925, page 250, which was granted and conveyed by Anna Hoffman, widow, et al, to Charles E. Merson and Vivian M. Merson, his wife; the aforesaid Vivian M. Merson having died on April 30, 1978, thereby vesting title solely in Charles E. Merson, her husband.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part as tenants by the entireties, their assigns, the survivor of them, his, her or their

personal representatives/~~successors~~
and assigns, in fee simple.

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

Test:

William A. Hackney
William A. Hackney

Charles E. Merson (SEAL)
CHARLES E. MERSON

____ (SEAL)

STATE OF MARYLAND, Anne Arundel County, to wit:

I HEREBY CERTIFY, That on this 4th day of March, in the year one thousand nine hundred and eighty, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

CHARLES E. MERSON

known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1982

William A. Hackney
William A. Hackney Notary Public



PC. #3

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

09/19/96

OWNER INFORMATION

DISTRICT: 13 ACCT NO: 1313400360

USE: RESIDENTIAL

OWNER NAME: CROSBY ALLAN L
CROSBY CAROLYN M
MAILING ADDRESS: 2216 HAMMONDS FERRY RD
BALTIMORE MD 21227PRINCIPAL
RESIDENCE
YES

TRANSFERRED

FROM: MERSON CHARLES E

DATE: 03/06/80 PRICE: \$4,500

DEED REFERENCE: 1) / 6142/ 463
2)

POTENTIAL TAX LIABILITY

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO

<F6> SELECT NEXT PROPERTY

VALUE INFORMATION
M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

09/19/96

DISTRICT: 13 ACCT NO: 1313400360

NAME: CROSBY ALLAN L

USE: RESIDENTIAL

	BASE VALUE	CURRENT VALUE AS OF 01/01/95	PHASE-IN VALUE AS OF 07/01/97	PHASE-IN ASSESSMENTS AS OF 07/01/96	PHASE-IN ASSESSMENTS AS OF 07/01/97
LAND :	27,750	30,250			
IMPTS :	49,590	49,940			
TOTAL :	77,340	80,190	80,190	31,690	32,070
PREF LAND:	0	0	0	0	0

PARTIAL EXEMPT ASSESSMENTS

	CODE	07/01/96	07/01/97
COUNTY	000	0	0
STATE	000	0	0
MUNICIPAL	000	0	0

PRESS: <F1> OWNER INFO <F2> LOCATION INFO

<F6> SELECT NEXT PROPERTY

MICROFILMED

LOCATION INFORMATION

DISTRICT: 13 ACCT NO: 1313400360
NAME: CROSBY ALLAN L

USE: RESIDENTIAL

PREMISE ADDRESS
2216 HAMMONDS FERRY RD

ZONING

LEGAL DESCRIPTION
LT NWS
HAMMONDS FERRY RD
150 N RIDGE AV

MAP	GRID	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP
102	20	1					80

PLAT NO :
PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA	
YEAR BUILT	ENCLOSED AREA
1887	1,486 SF

PROPERTY LAND AREA
10,000.00 SF

COUNTY
USE
04

PRESS: <F1> OWNER INFO <F2> VALUE INFO

<F6> SELECT NEXT PROPERTY

The seal of Baltimore County, Maryland, is a circular emblem. It features a central shield divided into four quadrants by a cross. The top-left quadrant contains a sailing ship, the top-right a castle, the bottom-left a sheaf of wheat, and the bottom-right a plow. The shield is surrounded by a border containing the text "BALTIMORE COUNTY" at the top and "MARYLAND" at the bottom, separated by small stars.

Permit

CONSTR PLANS	PLOT PLANS	RECORD PLAT	PLANS WAIVED	LOCAL INTER	DATA	SALES	SUPERVISOR WAIVER
	4						
TAX ACCOUNT NUMBER 13-13-608-550							

BUILDING ADDRESS	2216 HAMMONDS FERRY ROAD
OWNER'S NAME	CROSBY, ALLAN L. AND CAROL
MAILING ADDRESS	2216 HAMMONDS FERRY ROAD, WILSONVILLE, IN 46094
IDENTIFICATION	NAME ADDRESS
TENANT	
BUILDING CONTRACTOR	GOLD STAR BUILDING AND CONSTRUCTION
ENGINEER OR ARCHITECT	THE POOL SHOP
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS	
TRANSFER DESCRIPTION	W. S. HAMMONDS FERRY ROAD

1 ☒ NEW BUILDING CONSTRUCTION

2 ☐ ADDITION

3 ☐ ALTERATION

4 ☐ REPAIR

5 ☐ WRECKING (ENTER NO. UNITS REDUCTED)

6 ☐ MOVING

7 ☐ OTHER

DESCRIBE PROPOSED WORK ☐ 1 AND 2 FAM CODE

INSTALLING NEW SWIMMING POOL
ABOVE GROUND CYAL WITH ST
IN REAR YARD. PLANS ON F
E-43266

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED

ESTIMATED COST OF MATERIALS & LABOR

CHECK APPROPRIATE CATEGORIES

DETACHES	WIFE	CHILD	OTHER
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REARRESTED

☐

THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS

MICROFILM

PC #5

890,000 FT

76°40'W

JOINS Map 34

CRS 24

96-408-A

42

520,000 FT

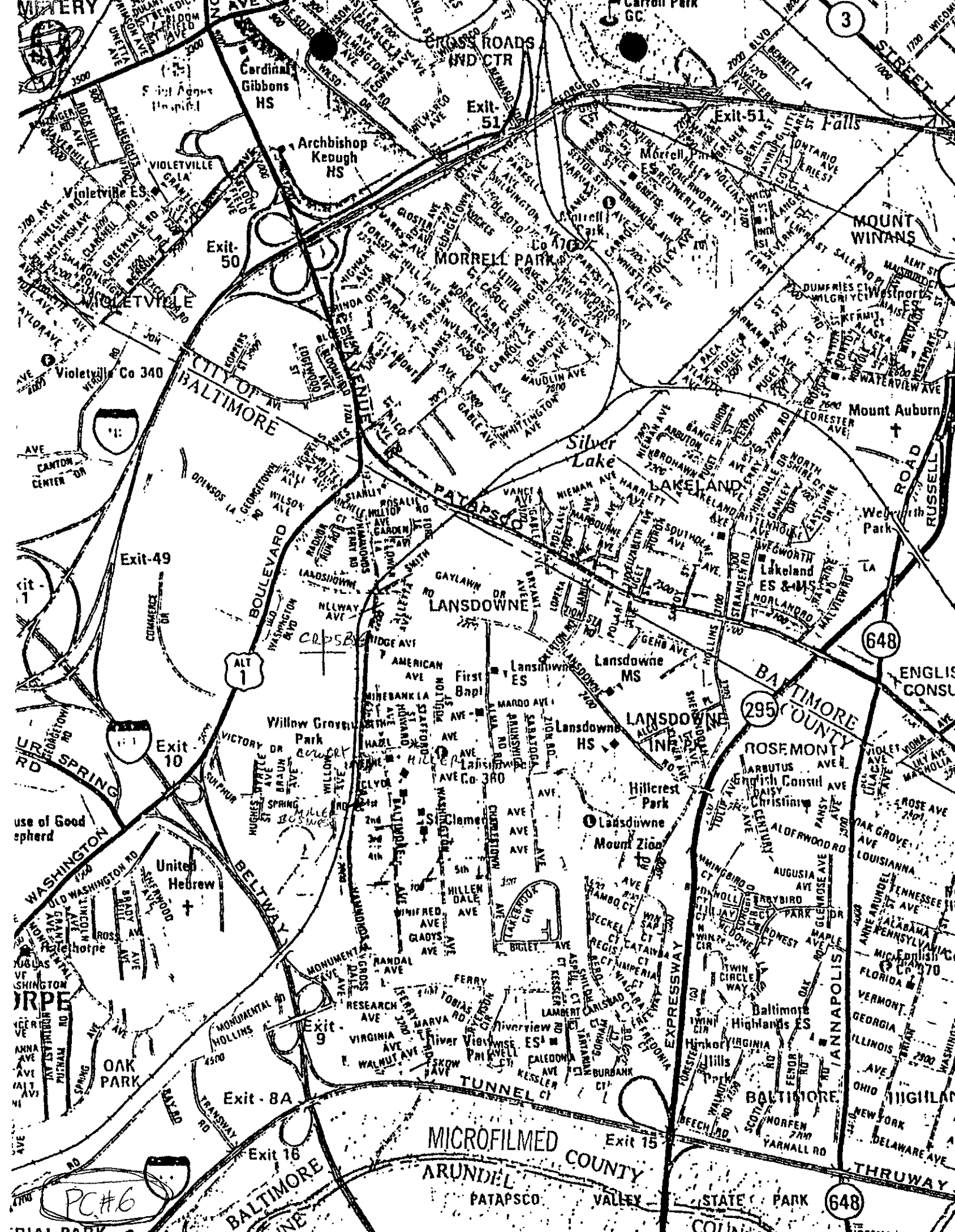
JOINS Map 41

510,000 FT



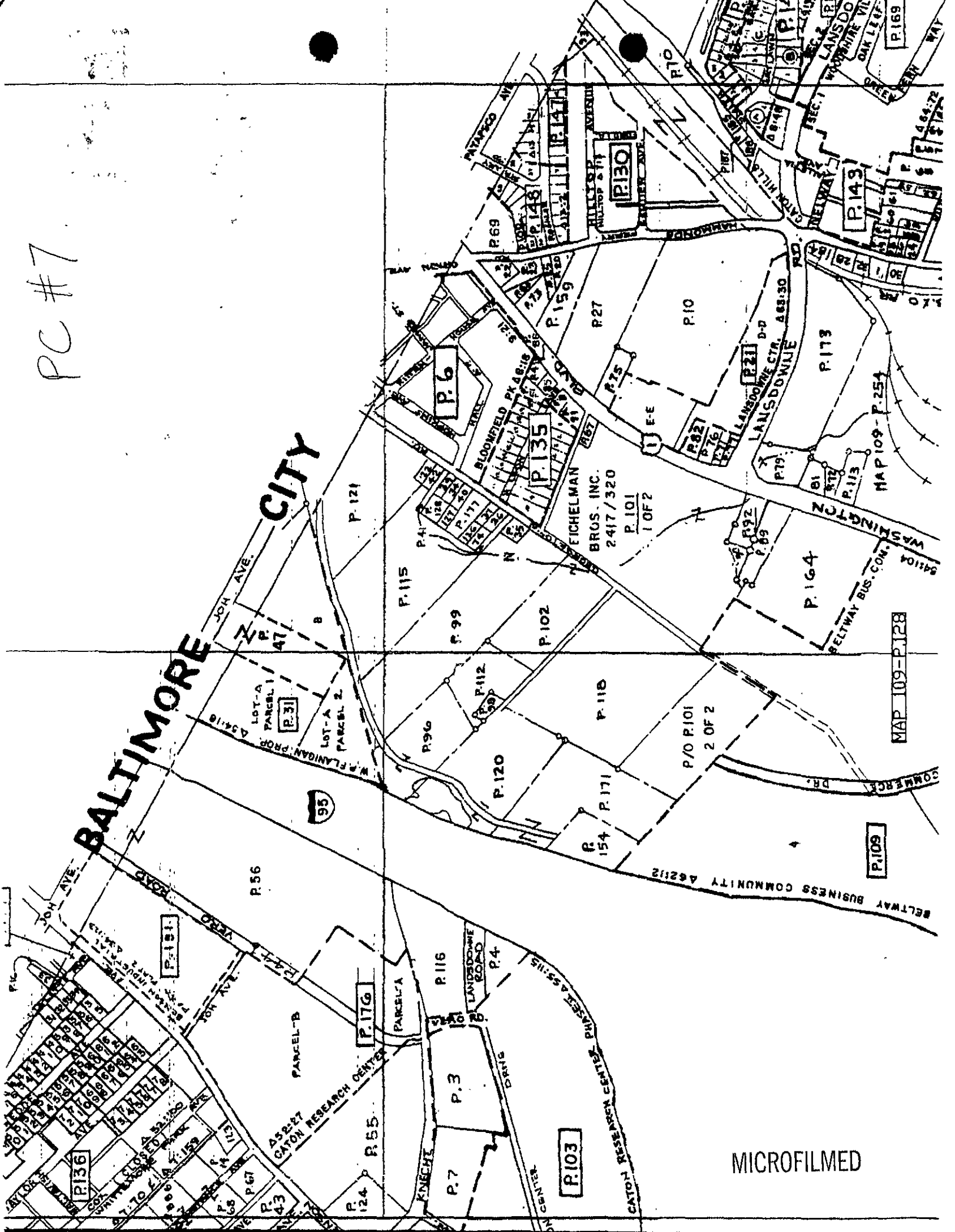
See ADC's
"ANNE ARUNDEL COUNTY, MD STREET MAP"
For Continuation

MICROFILMED



PC #7

BALTIMORE CITY



MICROFILMED

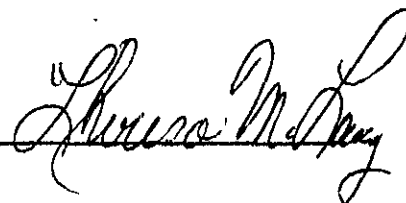
AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the (Board of Directors) (Zoning Committee)
of the Lansdowne Improvement Association., Inc.

Theresa M. Lowry

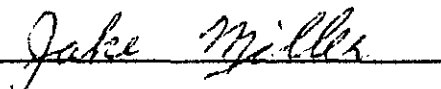


ATTEST:

Lansdowne Improvement Association Inc.

Dorothy Winikie
Dorothy Winikie
Secretary

Jake Miller
President



DATE: May 10, 1996

Current Date September 23, 1996

P.C. #12

MICROFILMED



Lansdowne Improvement **ASSOCIATION** Incorporated

RESOLVED: That the position of the Lansdowne
Improvement Association as adopted by the (Board
of Directors) (Zoning Committee) on the zoning matter known as:

96-408 A Crosby, Allan, L.

Request Granted on May 30, 1996

is that:

The Lansdowne Improvement Association, Incorporated
Is opposed to the granting of this request as the zone
Is ML* and the use of the property is currently residential
and cannot be expanded upon, as this is a use that is not
allowed in that zone, nor can it be expanded upon in that
zone.

The matter can only be allowed if the zone is changed, back
to a residential use.

AS WITNESS OUR HANDS AND SEAL THIS Tenth day of
May, 1996.

ATTEST:

Lansdowne Improvement Association Inc.

Dorothy Winikie
Dorothy Winikie
Secretary

Jake Miller
President



Lansdowne Improvement (Incorporated) ASSOCIATION

RESOLVED: That at the Annual meeting of the
LANSDOWNE IMPROVEMENT Association held on
Tuesday May 5th, 1996, it was decided by the
Association that responsibility for review and action on all zoning
matters for the period of one year May 1997 be
placed in the (Board of Directors) (Zoning Committee) consisting of
the following members:

Theresa M. Lowry Chairperson

Rosemary Ellen Miller

Elizebeth Margaret Yankulov

AS WITNESS OUR HANDS AND SEAL THIS Tenth day of
May, 1996.

ATTEST:

Lansdowne Improvement Association Inc.

Dorothy Winikie
Secretary

Jake Miller
President

1908 JNL
5-14-96 - Tuesday

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: May 9, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 2216 Hammonds Ferry Road

INFORMATION:

Item Number: 404

96-408-A

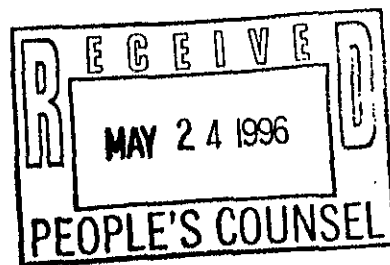
Petitioner: Crosby Property

Property Size: _____

Zoning: ML-IM

Requested Action: Variance

Hearing Date: ____/____/____



SUMMARY OF RECOMMENDATIONS:

Based on the information provided and a site visit, the Planning Office recommends denial of the applicant's request for the reasons as follows:

1. The Variance request is excessive and would result in extreme overbuilding of the site.
2. If granted, the proposed building would encroach on neighboring properties with probable negative effect on these properties.
3. There is no inherent characteristic of the site that warrants such an extreme variance from standard setbacks.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

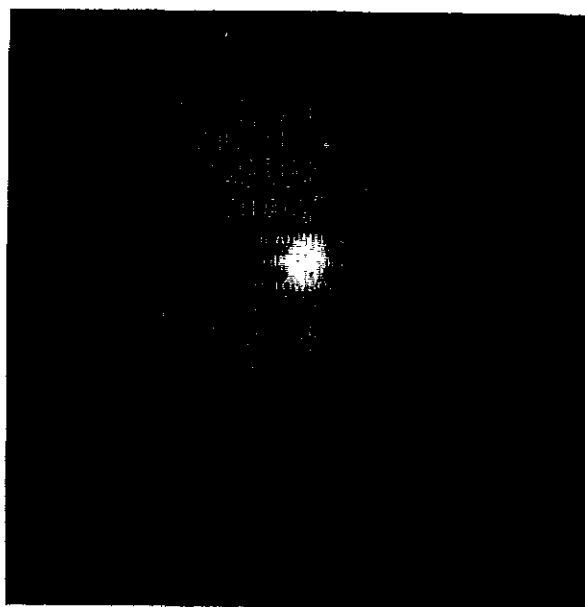
Arnold Keller

PK/JL

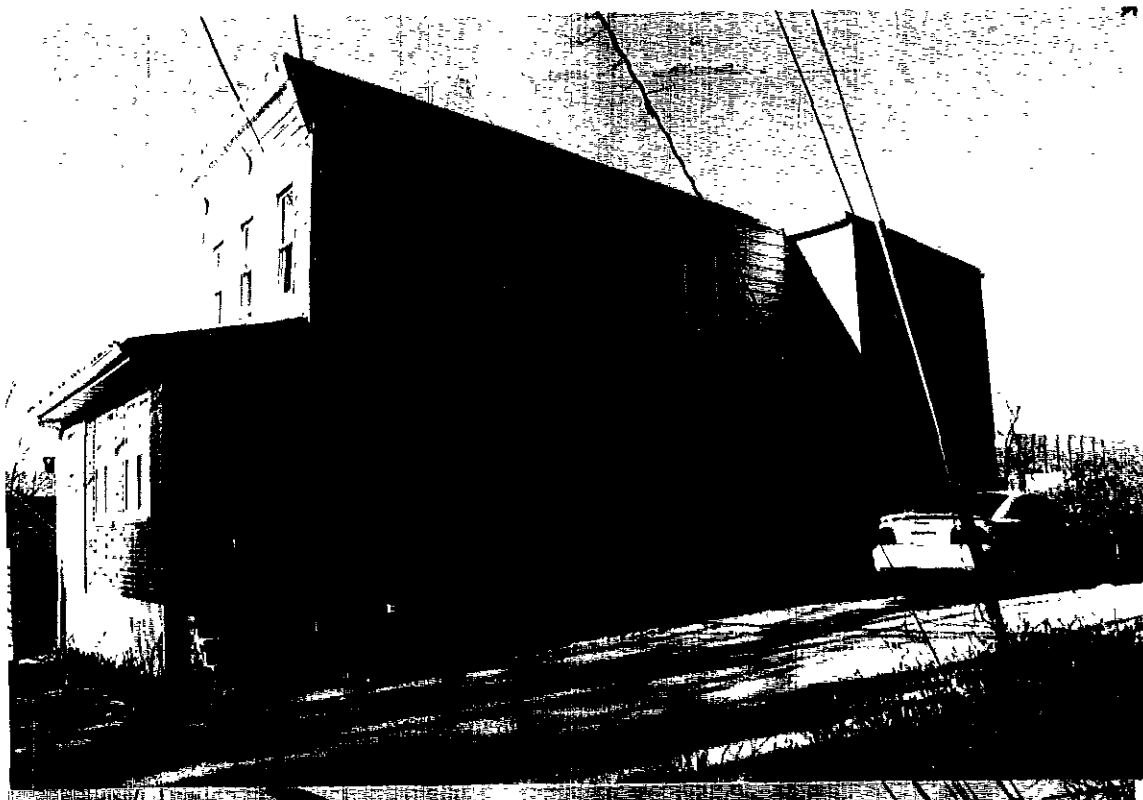
ITEM404A/PZONE/ZAC1

P.C. #14

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Kodak *ds*
digital science™

DEMO





People's Counsel 13 A - 13M
(Photos - 13)

96-408-A

Crosby

MICROFILMED



P.C. 13
Trailer existing re



P.C. 13 A
ing south side.

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digital science™

DEMO



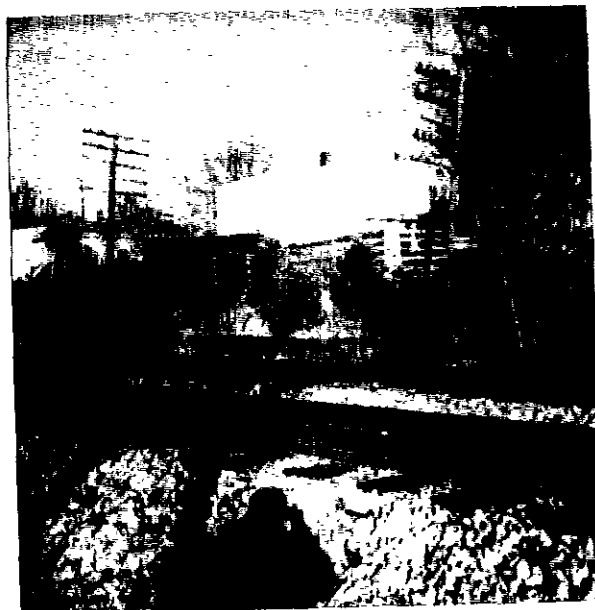
P.C. 13 - D
Rear Back North
22/6 Hammonds Ferry Hallan



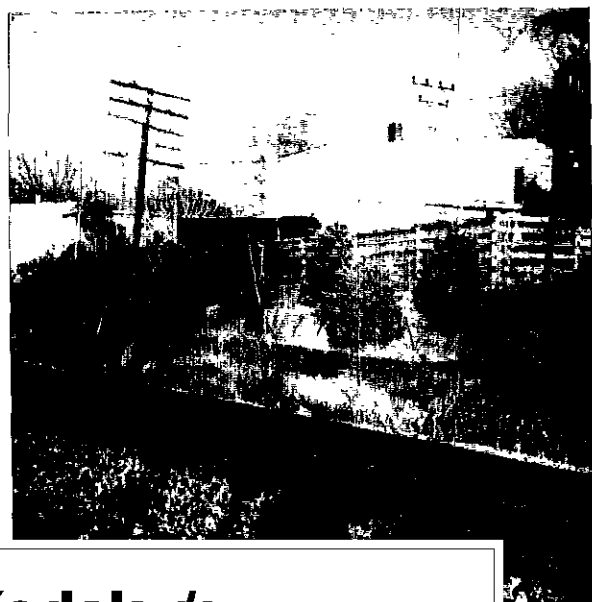
22/6 Hammonds Ferry Rd P.C. 13 - C
1/11/97 BACK - Rear North side



P.C. 13- F
Rear Back South side



P.C. 13- F



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digital science™

DEMO

6
rd
1/21/97

side South
1-21-97

P.C. 13- H.
Back yard
Rail Tracks



P.C. 13-I
South & north rear



1/2/97 South P.C. 13-J



P.C. 13-K
Side of fence
Swimming pool 1/2/97



P.C. 13-L
Side of Property



P.C. 13.
10/197 Track grade directly M
against property line

Kodak *ds*
digital science™

DEMO

Petitioner's #
2A }
2B } 3 photos
2C }

Crosby

96-408-A
MICROFILMED

